

106TH CONGRESS
1ST SESSION

H. R. 2961

To amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the Visa Waiver Pilot Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1999

Mr. BENTSEN (for himself, Mr. ARCHER, Mr. FRANK of Massachusetts, Mrs. MORELLA, Mr. LAMPSON, Mrs. NORTHUP, Mr. GREEN of Texas, Mr. BRADY of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYES, and Mr. GONZALEZ) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the Visa Waiver Pilot Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “International Patient
3 Act of 1999”.

4 **SEC. 2. THREE-YEAR PILOT PROGRAM TO EXTEND THE PE-**
5 **RIOD FOR VOLUNTARY DEPARTURE FOR**
6 **CERTAIN NONIMMIGRANT ALIENS REQUIR-**
7 **ING MEDICAL TREATMENT WHO WERE AD-**
8 **MITTED TO THE UNITED STATES UNDER THE**
9 **VISA WAIVER PILOT PROGRAM.**

10 (a) IN GENERAL.—Section 240B(a)(2) of the Immi-
11 gration and Nationality Act (8 U.S.C. 1229c(a)(2)) is
12 amended to read as follows:

13 “(2) PERIOD.—

14 “(A) IN GENERAL.—Subject to subpara-
15 graph (B), permission to depart voluntarily
16 under this subsection shall not be valid for a
17 period exceeding 120 days.

18 “(B) 3-YEAR PILOT PROGRAM WAIVER.—
19 During the period January 1, 2000, through
20 December 31, 2002 and subject to subpara-
21 graphs (C) and (D)(ii), the Attorney General
22 may, in the discretion of the Attorney General
23 for humanitarian purposes, waive application of
24 subparagraph (A) in the case of an alien—

25 “(i) who was admitted to the United
26 States as a nonimmigrant visitor (de-

1 scribed in section 101(a)(15)(B)) under
2 the provisions of the visa waiver pilot pro-
3 gram established pursuant to section 217,
4 seeks the waiver for the purpose of con-
5 tinuing to receive medical treatment in the
6 United States from a physician associated
7 with a health care facility, and submits to
8 the Attorney General—

9 “(I) a detailed diagnosis state-
10 ment from the physician, which in-
11 cludes the treatment being sought and
12 the expected time period the alien will
13 be required to remain in the United
14 States;

15 “(II) a statement from the health
16 care facility containing an assurance
17 that the alien’s treatment is not being
18 paid through any Federal or State
19 public health assistance, that the
20 alien’s account has no outstanding
21 balance, and that such facility will no-
22 tify the Service when the alien is re-
23 leased or treatment is terminated; and

24 “(III) evidence of financial ability
25 to support the alien’s day-to-day ex-

1 penses while in the United States (in-
2 cluding the expenses of any family
3 member described in clause (ii)) and
4 evidence that any such alien or family
5 member is not receiving any form of
6 public assistance; or

7 “(ii) who—

8 “(I) is a spouse, parent, brother,
9 sister, son, daughter, or other family
10 member of a principal alien described
11 in clause (i); and

12 “(II) entered the United States
13 accompanying, and with the same sta-
14 tus as, such principal alien.”.

15 “(C) WAIVER LIMITATIONS.—

16 “(i) Waivers under subparagraph (B)
17 may be granted only upon a request sub-
18 mitted by a Service district office to Serv-
19 ice headquarters.

20 “(ii) Not more than 300 waivers may
21 be granted for any fiscal year for a prin-
22 cipal alien under subparagraph (B)(i).

23 “(iii)(I) Except as provided in sub-
24 clause (II), in the case of each principal
25 alien described in subparagraph (B)(i) not

1 more than 1 adult may be granted a waiver
2 er under subparagraph (B)(ii).

3 “(II) Not more than 2 adults may be
4 granted a waiver under subparagraph
5 (B)(ii) in a case in which—

6 “(aa) the principal alien de-
7 scribed in subparagraph (B)(i) is a
8 dependent under the age of 18; or

9 “(bb) 1 such adult is age 55 or
10 older or is physically handicapped.

11 “(D) REPORT TO CONGRESS; SUSPENSION
12 OF WAIVER AUTHORITY.—

13 “(i) Not later than March 30 of each
14 year, the Commissioner shall submit to the
15 Congress an annual report regarding all
16 waivers granted under subparagraph (B)
17 during the preceding fiscal year.

18 “(ii) Notwithstanding any other provi-
19 sion of law, the authority of the Attorney
20 General under subparagraph (B) shall be
21 suspended during any period in which an
22 annual report under clause (i) is past due
23 and has not been submitted.”.

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